

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 209 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-20.7 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2009]: **Sec. 20.7. "Electronic poll book" means a list of voters**
6 **that meets the requirements under IC 3-7-29."**
7 Page 1, between lines 4 and 5, begin a new paragraph and insert:
8 "SECTION 3. IC 3-6-3.7-4 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2009]: **Sec. 4. (a) After each election conducted in a county, the**
11 **secretary of state may conduct a process audit of the county's**
12 **election.**
13 **(b) If the secretary of state conducts a process audit of a**
14 **county's election under subsection (a), the secretary of state shall**
15 **do the following:**
16 **(1) Examine:**
17 **(A) the materials used for poll worker training; and**
18 **(B) the records of the election available for inspection**
19 **under IC 3-10-1-31.1 from the following:**
20 **(i) The county election board.**
21 **(ii) The county voter registration office.**
22 **(2) Conduct interviews with the following concerning the**
23 **conduct of the election:**

(A) Members of the county election board.

(B) Individuals who were candidates for the offices on the ballot of the election conducted in the county.

(C) Party representatives.

(D) Individuals who voted in the election conducted in the county.

(3) Issue a report:

(A) documenting the county's compliance with the requirements; and

(B) recommending actions to be taken by the county election board and other entities to improve the administration and implementation;

of federal and state election laws.

SECTION 4. IC 3-7-26.4-10, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. The form described by section 9 of this chapter must state that the person receiving a compilation of information under this chapter may not:

(1) use the compilation to solicit for the sale of merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person (as defined in IC 5-14-3-2);

for a purpose other than political activities, ~~or~~ political fundraising activities, ~~or the providing of information to a voter concerning the location of the voter's polling place or the candidates or public questions listed on the voter's ballot.~~

SECTION 5. IC 3-7-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a) This section does not apply to a county where the county election board has adopted an order under section 6 of this chapter to use an electronic poll book.**

(b) After the county election board receives a request from the county chairman of a major political party, not more than two (2) copies of the list required by this chapter shall be prepared and furnished to the inspector of the precinct for use at the polls on election day. The inspector may provide a list furnished under this section to any other precinct officer.

SECTION 6. IC 3-7-29-3, AS AMENDED BY P.L.164-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter **(or an electronic poll book in a county that has adopted an order under section 6 of this chapter)** and other necessary registration supplies.

SECTION 7. IC 3-7-29-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6. (a) This section does not apply to a county that becomes a vote center county under IC 3-11-18.**

(b) A county election board, by the unanimous vote of the entire membership of the board, may adopt an order to provide each inspector in the county with an electronic poll book for use at a precinct under IC 3-10-1 and IC 3-11-8 instead of a certified copy of the registration record of the precinct described in section 1 of this chapter.

(c) An electronic poll book adopted by a county election board under subsection (b) must meet at least the following requirements:

(1) Is encrypted and placed on a dedicated, private server to secure connectivity between each precinct polling place and the county election board.

(2) Provides information included in the computerized list (as defined in IC 3-7-26.3-2) for each voter.

(3) Permits a poll clerk to enter information regarding an individual who appears to vote at the polls to verify whether the individual is eligible to vote, and if so, whether the voter has already cast a ballot in the election.

(4) Permits a poll clerk to enter information indicating that the voter has voted in the election after the voter receives a ballot.

(5) Transmits the information entered under subdivision (4) to the county election board so that the board may transmit the information immediately to all other precincts in the county.

(6) Allows reports to be:

(A) generated for a watcher appointed under IC 3-6-8 at any time on election day; and

(B) electronically transmitted by the county election board to the political party or independent candidate who appointed the watcher.

(7) Permits voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2) after election day.

SECTION 8. IC 3-7-31-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. Except as provided under section 3 of this chapter, a circuit court clerk or board of county voter registration office shall use the forms prescribed by the commission under section 1 of this chapter.**

SECTION 9. IC 3-7-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3. A circuit court clerk or board of county voter registration office may make minor modifications to registration forms to use the form in the county registration records after filing a copy of the modified form with the election division.**

SECTION 10. IC 3-7-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The registration forms prescribed under section 1 of this chapter must:

- (1) provide for the residence address and the mailing address of the individual completing the forms;
- (2) contain a statement that a notice of disposition of the person's registration application will be mailed to the mailing address of the individual; ~~and~~
- (3) require the applicant to provide the applicant's voter identification number;
- (4) after December 31, 2009, require that an individual who is subject to IC 3-7-32-8 and receives a completed application from the applicant state on the application under penalties for perjury:**
 - (A) the individual's name and address; and**
 - (B) the date on which the individual received the application from the applicant; and**
 - (5) after December 31, 2009, include a receipt containing the information listed in subdivision (4) to be given to the applicant by an individual subject to IC 3-7-32-8 when the individual receives the completed application from the applicant.**

SECTION 11. IC 3-7-32-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. **(a)** If the voter is unable to ~~write~~, **execute an original registration application in a manner authorized under section 1 of this chapter**, the voter may procure another individual to ~~write~~ **assist with the execution of the application.**

(b) If the voter is unable to sign the application, the other individual may state the voter's name ~~and~~ **in the space provided for the voter's signature. Unless the voter is physically unable to do so, the voter shall also make the voter's mark in the space provided for the voter's signature.**

(c) The person ~~writing in the name of the voter assisting the voter with the execution of the application~~ shall ~~also write~~ **state the person's own name and residence address on the affidavit in the space indicated for that purpose.**

SECTION 12. IC 3-7-32-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. **(a)** This section does not apply to a voter registration application received by any of the following:

- (1) An employee of a license branch acting under IC 3-7-14.**
- (2) An employee of a public assistance agency acting under IC 3-7-15.**
- (3) An employee of an agency serving persons with disabilities acting under IC 3-7-16.**

(4) An employee of an office designated under IC 3-7-18 acting under that chapter.

(5) An employee of an office designated under IC 3-7-19 acting under that chapter.

(6) An employee of the office of the department of employment and training services acting under IC 3-7-20.5.

(7) An employee of the United States Postal Service or a bonded courier company, acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.

(8) A member of the applicant's household.

(9) The applicant's attorney in fact under IC 30-5-5-14.

(b) After December 31, 2009, an individual who receives a completed application from the applicant shall file the application with the appropriate county voter registration office not later than the earlier of:

(1) noon, ten (10) days after the date the individual receives the application from the applicant; or

(2) the deadline set by state law for filing the application with the county voter registration office.

(c) If a person receives a completed voter registration application that the person has reason to believe may be materially false, fictitious, or fraudulent, the person shall deliver the application to the appropriate county election board not later than the deadline set forth in subsection (b) with a statement sworn or affirmed under the penalties for perjury setting forth the reasons that the person believes the application may be materially false, fictitious, or fraudulent. The county election board shall act under IC 3-6-5-31 to determine whether a violation of election law has occurred.

SECTION 13. IC 3-7-33-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.5. (a) This section applies to a voter registration application that is received by a county voter registration office after the date specified for filing the application under IC 3-7-32-8.

(b) In determining the eligibility of the applicant, the county voter registration office may not reject the application solely on the grounds that an individual who received the application from the applicant failed to comply with the requirements of IC 3-7-32-8.

(c) Not later than three (3) days after receiving the application, the county voter registration office shall provide notice of the apparent violation of IC 3-7-32-8 to the county election board for appropriate action under IC 3-6-5-31.

SECTION 14. IC 3-7-38.2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) Except as provided in subsection (b), during each even-numbered year, the NVRA official ~~may also~~ shall conduct ~~an annual~~ a residency

confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) ~~may~~ **shall** send a mailing by U.S. mail, postage prepaid, to each voter in Indiana, ~~who has not received a mailing under any other provision of this chapter.~~

(b) The NVRA official is not required to comply with subsection (a) if:

(1) the general assembly has not made sufficient appropriations for the residency confirmation and outreach procedure; or

(2) the budget agency has not made sufficient allotments for the residency confirmation and outreach procedure.

SECTION 15. IC 3-10-1-7.1, AS AMENDED BY P.L.164-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7.1. (a) Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct **or an electronic poll book.**

(b) The county voter registration office may also provide the inspector of each precinct in the county:

(1) a certified photocopy; or

(2) if the precinct is using an electronic poll book, an electronic image, if available;

of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record, ~~or~~ listed in the certified copy prepared for the precinct, **or in the electronic poll book**, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 16. IC 3-10-1-8, AS AMENDED BY P.L.164-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct, ~~or~~ on the certified copy of the registration record prepared under IC 3-7-29, **or on the electronic poll book** may:

(1) vote if the county voter registration office provides a signed certificate of error; or

(2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482."

Page 3, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 19. IC 3-11-3-16, AS AMENDED BY P.L.164-2006, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they

1 receive the ballots for their precincts, a suitable number of voter
 2 registration lists certified under IC 3-7-29 **(or an electronic poll book**
 3 **described in IC 3-7-29-6)** and any other forms, papers, certificates,
 4 and oaths that are required to be furnished to precinct election boards.
 5 The forms and papers must be prepared in compliance with IC 3-5-4-8.
 6 The county voter registration office shall cooperate with the county
 7 election board in the preparation of the lists certified under IC 3-7-29
 8 **or the use of an electronic poll book described in IC 3-7-29-6.**

9 SECTION 20. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2009]: Sec. 2. (a) A voter who wants to vote by absentee
 12 ballot must apply to the county election board for an official absentee
 13 ballot. Except as provided in subsection (b), the voter must sign the
 14 absentee ballot application.

15 (b) If a voter with disabilities is unable to sign the absentee ballot
 16 application and the voter has not designated an individual to serve as
 17 attorney in fact for the voter, the county election board may designate
 18 an individual to sign the application on behalf of the voter. If an
 19 individual applies for an absentee ballot as the properly authorized
 20 attorney in fact for a voter, the attorney in fact must attach a copy of the
 21 power of attorney to the application.

22 (c) A person may provide an individual with an application for an
 23 absentee ballot with the following information already printed or
 24 otherwise set forth on the application when provided to the individual:

- 25 (1) The name of the individual.
- 26 (2) The voter registration address of the individual.
- 27 (3) The mailing address of the individual.
- 28 (4) The date of birth of the individual.
- 29 (5) The voter identification number of the individual.

30 (d) A person may not provide an individual with an application for
 31 an absentee ballot with the following information already printed or
 32 otherwise set forth on the application when provided to the individual:

- 33 (1) The address to which the absentee ballot would be mailed, if
 34 different from the voter registration address of the individual.
- 35 (2) In a primary election, the major political party ballot requested
 36 by the individual.
- 37 (3) In a primary or general election, the types of absentee ballots
 38 requested by the individual.
- 39 (4) The reason why the individual is entitled to vote an absentee
 40 ballot:

- 41 (A) by mail; or
- 42 (B) before an absentee voter board (other than an absentee
 43 voter board located in the office of the circuit court clerk or a
 44 satellite office);

45 in accordance with IC 3-11-4-18, IC 3-11-10-24, or
 46 IC 3-11-10-25.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon ~~seven (7)~~ **ten (10)** days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

- 1 (A) is ineligible to vote or to cast an absentee ballot; or
- 2 (B) did not properly complete and sign the application.
- 3 (4) A statement that the person is executing the affidavit under the
- 4 penalties of perjury.
- 5 (5) A statement setting forth the penalties for perjury.
- 6 (i) The county election board shall record the date and time of the
- 7 filing of the affidavit.

8 SECTION 21. IC 3-11-4-2.1 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2009]: **Sec. 2.1. If a person receives a completed absentee ballot**
 11 **application that the person has reason to believe may be materially**
 12 **false, fictitious, or fraudulent, the person shall deliver the**
 13 **application to the appropriate county election board not later than**
 14 **the deadline set forth in section 2 of this chapter with a statement**
 15 **sworn or affirmed under the penalties for perjury setting forth the**
 16 **reasons that the person believes the application may be materially**
 17 **false, fictitious, or fraudulent. The county election board shall act**
 18 **under IC 3-6-5-31 to determine whether a violation of election law**
 19 **has occurred.**

20 SECTION 22. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
 21 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2009]: Sec. 18. (a) **Except as provided in IC 3-11-10-24(b)**
 23 **or IC 3-11-10-24(d)**, if a voter satisfies any of the qualifications
 24 described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot
 25 by mail, the county election board shall, at the request of the voter, mail
 26 the official ballot, postage fully prepaid, to the voter at the address
 27 stated in the application.

28 (b) If the county election board mails an absentee ballot to a voter
 29 required to file additional documentation with the county voter
 30 registration office before voting by absentee ballot under this chapter,
 31 the board shall include a notice to the voter in the envelope mailed to
 32 the voter under section 20 of this chapter. The notice must inform the
 33 voter that the voter must file the additional documentation required
 34 under IC 3-7-33-4.5 with the county voter registration office not later
 35 than noon on election day for the absentee ballot to be counted as an
 36 absentee ballot, and that, if the documentation required under
 37 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
 38 ballot will be processed as a provisional ballot. The commission shall
 39 prescribe the form of this notice under IC 3-5-4-8.

40 (c) Except as provided in section 18.5 of this chapter, the ballot
 41 shall be mailed:

- 42 (1) on the day of the receipt of the voter's application; or
- 43 (2) not more than five (5) days after the date of delivery of the
- 44 ballots under section 15 of this chapter;
- 45 whichever is later.

46 (d) In addition to the ballot mailed under subsection (c), the county

election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

(A) on the day of the receipt of the voter's application; or

(B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 23. IC 3-11-4-18.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 18.2. (a) This section applies to a voter who resides in a county designated as a vote center county or vote center pilot county under IC 3-11-18.**

(b) Except as provided in IC 3-11-10-24(b), if a voter is entitled to vote by absentee ballot, the county election board shall, at the request of the voter, and upon approval of an absentee ballot application, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

SECTION 24. IC 3-11-6.5-4, AS AMENDED BY P.L.108-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a)** To receive reimbursement for the purchase of voting systems under this chapter, a county must file an application with the election division, in the form required by the election division. The secretary of state with the consent of the co-directors of the election division shall review the application and make a recommendation to the budget committee regarding the application. If a county filed an application under section 3 of this chapter (repealed) not later than January 31, 2003, the application may be amended to comply with this chapter or the county may file a new application under this subsection.

(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if

the budget agency determines any of the following:

(1) The county has purchased or will purchase a new voting system or an upgrade or expansion of an existing voting system to comply with HAVA that would be eligible for reimbursement under HAVA and this chapter from any fund account.

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after January 1, 1998, and before July 1, 2001, that would not qualify for reimbursement from federal funds received under HAVA, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

(A) Reliability of the county's voting system.

(B) Efficiency of the county's voting system.

(C) Ease of use of the county's voting system by voters.

(D) Public confidence in the county's voting system.

~~(3) The county has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system. This subdivision applies only if the purchase of a new voting system is eligible for reimbursement under HAVA.~~

SECTION 25. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the

voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list **or to provide the following information for entry into the electronic poll book:**

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration, ~~or~~ any certified copy of the signature provided under IC 3-7-29, **or an electronic image of the signature, if available.** If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list."

Page 5, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 28. IC 3-11-8-26.1, AS AMENDED BY P.L.164-2006, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26.1. (a) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;
the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list **or enter the following information into the electronic poll book:**

(1) The voter's name.

(2) Except as provided in subsection (e), the voter's current residence address.

(c) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) **The electronic poll book or** each line on a poll list sheet provided to take a voter's current residence address must include **a space or** a box under the heading "Address Unchanged" so that the poll clerk may **enter the information in the electronic poll book or** check the box to indicate that the residence address shown on **the electronic poll book or** the poll list is the voter's current residence address instead of **reentering in the electronic poll book or writing on the poll list** the voter's current residence address. ~~on the poll list.~~

Page 9, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 31. IC 3-11-15-13.3, AS AMENDED BY P.L.164-2006, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet:

(1) the Voting System Standards adopted by the Federal Election Commission on April 30, 2002; **or**

(2) **the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.**

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2005~~, **2009**, if the voting system:

(1) was:

(A) approved by the commission for use in elections in Indiana before October 1, ~~2005~~, **2009**; and

(B) purchased by the county before October 1, ~~2005~~, **2009**; and

(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by 42 U.S.C. 15481, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by 42 U.S.C. 15481, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 32. IC 3-11-16-4, AS ADDED BY P.L.221-2005, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **After the effective date of the applicable provisions of the contract described in section 3 of this chapter**, the person or entity designated under this chapter to conduct the program shall do the following:

(1) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for voting systems used to conduct elections in Indiana.

(2) Compile and maintain an inventory of all voting systems used to conduct elections in Indiana.

(3) Review reports concerning voting systems prepared by independent laboratories and submitted by applicants for voting system certification.

(4) Recommend to the commission whether an application for voting system certification should be approved and, if so, whether the approval should be subject to any restrictions or conditions to ensure compliance with Indiana law.

(5) Perform any additional testing of a voting system necessary to determine whether the voting system complies with state law.

(6) Each year perform random audits of voting systems used to conduct Indiana elections and prepare reports indicating whether the voting systems have been certified, programmed, and used in compliance with Indiana law.

(7) Review contracts, leases, purchase orders, and amendments to those documents concerning the acquisition or maintenance of voting systems.

(8) Assist with the development of quantity purchase agreements and other contracts for the lease or purchase of voting systems.

(9) Perform any other duties related to the approval or use of voting systems as provided in:

(A) state law; or

(B) the contract described in section 3 of this chapter.

SECTION 33. IC 3-11-18-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. (a) This section applies to a county in which the President of the United States has, after December 31, 2007, declared, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), that a major disaster has occurred.**

(b) If a county election board, by the unanimous vote of the entire board's membership, determines that the county's voting systems are unusable as the result of the major disaster described in subsection (a), the board shall file with the election division:

(1) a statement certifying the board's determination; and

(2) an order adopting a plan under this chapter to administer the county's elections using vote centers.

(c) The plan adopted under this section takes effect when the documents listed in subsection (b) are filed with the election division.

SECTION 34. IC 3-11-18-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.7. (a) This section applies to a county listed in P.L.108-2008, SECTION 5 (before its repeal).**

(b) Notwithstanding any other provision in this chapter, not later than November 1, 2009, the county election board shall adopt an order adopting a plan under this chapter for the administration of vote centers in the county.

(c) The board shall file a copy of the order described in subsection (b) with the election division. The plan takes effect when the plan is filed with the election division.

(d) A plan adopted under this section may be amended as provided by this chapter, but may not be rescinded under this chapter before December 31, 2011."

Page 12, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 39. IC 3-14-2-5, AS AMENDED BY P.L.103-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5. (a) A person who recklessly destroys or fails to deliver an absentee ballot application to the proper officer in accordance with IC 3-11-4 after the application has been executed by another individual in accordance with IC 3-11-4 commits a Class A misdemeanor.**

(b) A person who recklessly destroys or fails to file or deliver to the

proper officer a registration affidavit or form of registration **in accordance with IC 3-7** after the affidavit or form has been executed commits a Class A misdemeanor."

Page 12, after line 36, begin a new paragraph and insert:

"SECTION 41. IC 3-14-6-2, AS AMENDED BY P.L.164-2006, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) This section does not apply to:

(1) political activities; ~~or~~

(2) political fundraising activities; **or**

(3) the providing of information to a voter concerning:

(A) the location of the voter's polling place; or

(B) the candidates or public questions listed on the voter's ballot.

(b) A person who uses voter registration information obtained under IC 3-7-26.3 or IC 3-7-27 to solicit the sale of merchandise, goods, services, or subscriptions commits a Class B infraction.

(c) The court shall:

(1) keep a record; and

(2) send a copy of the record to the prosecuting attorney of the county in which the infraction proceeding was tried;

of a judgment for an infraction proceeding tried under this section.

(d) A person who:

(1) has previously received a judgment for committing an infraction under this section; and

(2) knowingly or intentionally uses voter registration information in violation of this section;

commits a Class A misdemeanor.

SECTION 42. IC 33-39-2-6, AS AMENDED BY P.L.137-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) With the consent of the inspector general, a prosecuting attorney may appoint the inspector general or a deputy inspector general who is licensed to practice law in Indiana as a special deputy prosecuting attorney to assist in any criminal proceeding involving public misconduct.

(b) With the consent of the attorney general, a prosecuting attorney may appoint the attorney general or a deputy attorney general who is licensed to practice law in Indiana as a special deputy prosecuting attorney to assist in any criminal proceeding involving environmental law.

(c) With the consent of the secretary of state, a prosecuting attorney may appoint the secretary of state or the secretary's designee who is licensed to practice law in Indiana as a special deputy prosecuting attorney to assist in any criminal proceeding involving election law.

SECTION 43. P.L.108-2008, SECTION 5, IS REPEALED

1 [EFFECTIVE UPON PASSAGE].
2 SECTION 44. [EFFECTIVE UPON PASSAGE] (a) **The definitions**
3 **set forth in IC 3-5-2 apply to this SECTION.**
4 (b) **Not later than July 1, 2009, the Indiana election commission**
5 **established by IC 3-6-4.1-1 shall act under IC 3-5-4-8 to approve a**
6 **voter registration form that complies with IC 3-7-31-5, IC 3-7-32-7,**
7 **and IC 3-7-32-8, all as amended by this act.**
8 (c) **This SECTION expires September 1, 2009.**
9 SECTION 45. **An emergency is declared for this act."**
10 Renumber all SECTIONS consecutively.
(Reference is to ESB 209 as printed April 7, 2009.)

Representative Richardson